

Army Regulation 715-9

Logistics

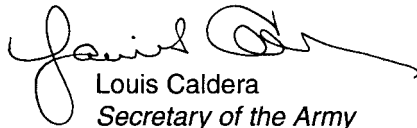
Contractors Accompanying the Force

**Headquarters
Department of the Army
Washington, DC
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Logistics

Contractors Accompanying the Force



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Secretary of the Army

History. This is a new Army regulation.

Summary. This regulation prescribes policies, procedures, and responsibilities for a disciplined approach to managing and using contracted U.S. citizens whom are deployed to support Army requirements. It implements the definitions and guidance included in DODI 3020.37, Continuation of Essential DOD Contractor Services During Crises. It describes both existing, and maturing concepts, responsibilities, policy, implementing procedures, and is intended to evolve as Army doctrine is developed and refined.

Applicability. This regulation applies to the Active Army, the Army National Guard (ARNG), and the U.S. Army Reserve (USAR).

Proponent and exception authority. The proponent agency of this regulation is the Deputy Chief of Staff for Logistics (DCSLOG). The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponents may delegate the approval authority, in writing, to a division chief, within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process. This regulation does not contain management control provisions.

Supplementation. Supplementation of this regulation and establishment of forms other than DA Forms are prohibited without prior approval from HQDA (DALO-POD), 500 Army Pentagon, Washington, DC 20310-0500.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DALO-POD), WASH DC 20310-0500.

Distribution. This publication is available in electronic media only and is intended for command levels C, D, and E for the Active Army, Army National Guard and the U.S. Army Reserve.

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Summary of Change

AR 715-9

Contractors Accompanying the Force

This new regulation—

- Establishes Army policies and responsibilities for using contractors on the battlefield.

Chapter 1

Introduction

1-1. Purpose

This regulation provides Army policy for obtaining and using U.S. citizens contracted to support or augment Army forces in operations-other-than-war and wartime operations. It establishes Department of the Army policies, responsibilities, and procedures for using contractors on the battlefield, and specifically addresses planning for acquiring and administering commercial support services on the battlefield. DA PAM 715-16 and FM 100-XX series provide additional guidance for managing contracted employees. Nothing in this regulation requires the renegotiation of existing contracts before its publication.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Concept

Army Service Component Commands (ASCC) will undertake measures necessary to outsource certain battlefield support service functions. Current or expected voids in force structure, critically and appropriateness of the function being performed under contract, shall be the key determinant in selecting such service functions. The procedures will focus upon improving acquisition, quality and reliability, and timeliness of commercial support services during both operations-other-than-war and wartime operations. Briefly, these procedures will encompass:

- a. An identification of the types and quantities of support services required by all deliberate and crisis action plans or orders (e.g., OPLANS, CONPLANS, FUNCPLANS, and OPORDS), and determine which could be furnished by commercial support service personnel taking into consideration that core logistics functions must be maintained, and risks due to possible contractor non-performance.
- b. A revision to mid- and long-range plans to incorporate contract support where appropriate.
- c. The formation and award of dormant (i.e., contingency) contracts to commercial firms for inclusion into support plans.
- d. The inclusion of any and all provisions necessary to expand the scope of commercial support service contracts initially awarded for operations-other-than-war to contend with wartime operations.

1-5. Responsibilities

The organizations listed in this section will provide assistance to MACOMs and will fulfill the responsibilities defined below.

- a. The Assistant Secretary of the Army, Logistics and Technology (ASA (ALT)). The ASA (ALT) will provide oversight and policy determination for Army policy on logistics, maintenance, supply, transportation, logistics automation, and the use of commercial support services. The ASA (ALT) will—

- (1) With the assistance of the Army General Counsel, formulate and disseminate a formal position on the Army's legal liability for the introduction of commercial support service personnel onto the battlefield.
 - (2) With the assistance of the Army General Counsel, assist HQDA, Office of the Deputy Chief of Staff for Personnel (ODCSPER) in the identification or formulation, and dissemination of contractual standards for employing commercial support service personnel on the battlefield (i.e., required levels of insurance to be held by the commercial firm(s) and individual employees, indemnification of the Government by the commercial firm(s) and/or individual employees, reporting requirements, personnel availability and performance status).
 - (3) Identify or formulate, and disseminate contractual standards for administering commercial support services on the battlefield (i.e., competition between Army theater commanders for limited commercial support service resources).
 - (4) Assist MACOMs and ASCCs with formulating and implementing relevant contracting procedures.
 - (5) Assist HQDA Deputy Chief of Staff for Operations and Plans (DCSOPS) and Headquarters, U.S. Army Training and Doctrine Command (TRADOC) with formulating and revising doctrine.
- b. The Assistant Secretary of the Army, Manpower and Reserve Affairs (ASA (M&RA)). The ASA (M&RA) will—
- (1) With the assistance of the Army General Counsel and the HQDA Deputy Chief of Staff for Operations and Plans (DCSOPS), include commercial support service functions on the Commercial Activities Inventory required by the Federal Activities Inventory Reform Act of 1998, 105 Pub. Law 270.
 - (2) With the Assistance of the HQDA Deputy Chief of Staff for Operations and Plans (ODCSOPS), document risk assessment in Total Army Analysis for purposes of commercial support service functions included on the Commercial Activities Inventory.
 - (3) With the assistance of the Army Service Component staffs, MACOMs and ODCSLOG, provide contractor on the battlefield data to ODCSOPS for incorporation into the Total Army Analysis (TAA) process.
- c. The Heads of Headquarters, Department of the Army agencies, Major Army Commands (MACOMs), and Army Service Component Commands (ASCCs). These officials will—
- (1) Identify current and projected voids in force structure appropriate for augmentation by contracted support service personnel.
 - (2) Ensure that contract support services are considered in developing future policies, plans, programs, and doctrine.
 - (3) Review and revise the Army regulations for which they are the proponent to ensure that the appropriate policies, objectives, procedures, and responsibilities are included.
 - (4) Designate a Point of Contact (POC) for coordinating contract support service-related responsibilities.
 - (5) Include contract support services, when appropriate, in all deliberate and crisis action plans and operational orders for which they are proponent.

- (6) Coordinate the policies that have potential impact on other MACOMs.
 - (7) Disseminate information on contract requirements not yet awarded and on-going contracts to the appropriate ARSTAF agency (s).
 - (8) Assess the security impacts of using contract support services and ensure that proper security procedures are implemented.
 - (9) With the aid of the applicable proponent, review peacetime weapon system and support service contracts to determine which would be needed, in whole or in part, in a wartime operation. This review should concentrate upon support services required during operations-other-than-war and which continue during wartime operations to support deploying U.S. forces. Review results and recommendations are to then be forwarded to the responsible ARSTAF staff element.
- d. The HQDA Deputy Chief of Staff for Logistics (DCSLOG, DALO-POD). The DCSLOG will—
- (1) Provide guidance and direction for the contractors on the battlefield program.
 - (2) Assist MACOMs with logistics procedures.
 - (3) Provide contractor data in Army Forces Planning Data and Assumption (AFPDA) or similar planning/assumption documents for use in TAA.
 - (4) Serve as DA Planning, Programming, Budgeting, and Execution System (PPBES) POC for Contractors on the Battlefield.
 - (5) Ensure contract support services are considered in mid- and long-range support plans.
 - (6) Assist the HQDA ODCSOPS with force structure risk assessment and programming alternatives.
 - (7) Assist HQDA ODCSOPS and Headquarters, U.S. Army Training and Doctrine Command (TRADOC) with formulating and revising doctrine.
 - (8) Provide overall liaison on contract support service matters with MACOMs, Office of the Joint Chiefs of Staff (OJCS), and Office of the Secretary of Defense (OSD).
- e. The HQDA Deputy Chief of Staff for Operations and Plans (DCSOPS). The DCSOPS will—
- (1) Include policies for acquiring and administering contract support services in doctrine formulation and PPBES.
 - (2) Include appropriate planning data, as developed by the MACOMs/ASCCs and submitted to DCSLOG, in the appropriate force planning documentation in support of the TAA process.
 - (3) Ensure that wartime requirements and the administration of those requirements are considered in mid- and long-range operational and force structure planning and requirements documents.
 - (4) Assess the overall effect of contract support services on all programs as required.
 - (5) Assist DCSLOG in formulating contractor policy and disseminating guidance to the MACOMs/ASCCs.
- f. The HQDA Deputy Chief of Staff for Personnel (DCSPER). The DCSPER will—

- (1) Include policies and procedures for acquiring and administering contract support services in theater support planning and force programming.
- (2) Include contract support service considerations in mid- and long-term personnel planning documents.
- (3) Assist DCSLOG in assessing the effect of contract support services support planning.
- (4) Develop and distribute policy for capturing contract support service activities and personnel resources in Situation Reports (SITREPS) and/or other similar documents.
- (5) Ensure the accountability of all U.S. Army sponsored contractors in the area of operations using personnel accounting systems and procedures.
- g. The Director for Information Systems for Command, Control, Communications, and Computers (DISC4). The DISC4 will—
 - (1) Develop initiatives to include contract support policies and existing agreements in theater information systems support planning and force programming.
 - (2) Include contract support service considerations in mid- and long-term planning documents and assist the DCSLOG as required.
- h. The Commander, U.S. Army Corps of Engineers (USACE). The USACE Commander will—
 - (1) Assess the effect of contract support services on theater construction policies, programs, and requirements.
 - (2) Develop initiatives to include contract support service policies, procedures, and agreements in theater engineering and facilities planning and force programming.
 - (3) Integrate contract support service considerations into mid- and long-term construction planning documents.
 - (4) Assist DCSLOG in assessing the effect of contract support service on programs and requirements.
 - (5) Assist the MACOMs to ensure that peacetime contracts are considered in overall contract assessment. Particular attention should be given to clauses which are to be invoked during wartime operations, when appropriate.
 - (6) Cooperate with the MACOMs regarding civil engineering matters as they apply to having contracted support service personnel.
 - (7) Exercise contract support services during overseas unit training and exercises in cooperation with ASCCs.
- i. The Surgeon General (TSG). The TSG will—
 - (1) Include contract support service policies and existing agreements into theater medical support planning and force programming.
 - (2) Include contract support service considerations in mid- and long-term planning documents.
 - (3) Assist DCSLOG and DCSOPS in assessing the contract support service effect on medical force structure programs and requirements.
- j. The Commander, U.S. Army Training and Doctrine Command (TRADOC). The Commander, TRADOC will—

- (1) Include contract support service considerations in the doctrine and unit design development process.
- (2) Incorporate contracted battlefield support service policies, doctrine, and procedures into TRADOC school instruction and training publications. Specific attention should be given to the execution of the resultant contractual instruments to include the process for requesting and accepting battlefield support services from contracted personnel.
- k. The Commander, U.S. Army Materiel Command (AMC). The Commander, AMC will—
 - (1) Serve as the Executive Agent for the Logistics Civil Augmentation Program (LOGCAP) and Program Manager for any AMC umbrella support contracts. Coordinate requirements with the unified commands, other services and ASCCs for AMC contractor support. Direct worldwide, regional, and country-specific planning, development, and execution for AMC support contracts.
 - (2) Organize theater logistics support elements to plan and control logistics base forward support, including weapon system sustainment, Army pre-positioned stock hand-off/reconstitution, and services provided by any AMC LOGCAP support contract(s).
 - (3) Coordinate transportation (i.e., to, from and within the theater), quality of life issues and force protection of deployed AMC contractors with the ASCC. Include contract support in AMC logistics plans and mobilization plans.
 - (4) Serve as the national sustainment maintenance manager. Advise MACOMs/ASCCs regarding available maintenance capabilities including contracts.
 - (5) Ensure that equipment fielding, logistic support, and total system support contracts contain provisions for the continuation of support during wartime operations in accordance with DODI 3020.37; Continuation of Essential DOD Contractor Services During Crises.
 - (6) Develop and maintain logistic support element tactics, techniques, and procedures, which incorporate the policy for contractors on the battlefield.
 - (7) Exercise, when appropriate, contract support services during overseas unit training and exercises in cooperation with ASCCs.
- l. The Commander, Military Traffic Management Command (MTMC). The Commander, MTMC will—
 - (1) Include contract support service assumptions and plans for contingency operations in all deliberate and crisis action plans and orders, as appropriate.
 - (2) Exercise contract support services during overseas unit training and exercises in cooperation with ASCCs.
 - (3) Identify mission and support requirements appropriate for contract support services.
 - (4) Assist ASCCs, as required, in developing and awarding contract support service contracts.
- m. The Commanders, Army Service Component Commands (ASCCs). These commanders will—

- (1) Evaluate the most effective use of contract support services keeping in mind that such services are not suitable in all situations and locations. Moreover, the risk to both the overall mission and to the safety of contractor personnel, as well as to force protection of contractor personnel must be considered.
- (2) Evaluate contract costs associated with both operations-other-than-war and wartime operations to determine the appropriate support for each region and function.
- (3) In coordination with HQDA agencies and unified commands, identify contractor support requirements that can be accomplished with an acceptable level of risk under the provisions of the Contractors on the Battlefield concept.
- (4) Determine and plan for executing dormant contracts and clauses necessary for acquiring battlefield support services required in the area of responsibility and essential in operations-other-than-war and wartime operations.
- (5) Assist other ASCCs with those activities described above.
- (6) Adopt processes needed to identify appropriate individual(s) to act as the government's representative for day-to-day management and/or receipt of contracted battlefield support services, e.g., Contracting Officer's Representative (COR).
- (7) Coordinate with unified commands to ensure the efficient and economical use of civil and commercial resources.
- (8) Maintain a centralized inventory of support service contracts that contain prescriptions for invoking contractor support services.
- (9) Ensure that capability exists for planning and acquiring contract support services on an as needed basis.
- (10) As appropriate, send copies of lessons learned and problems identified during the preparation/completion of associated negotiations of support service contracts, and field training exercises to ASA (ALT), HQDA (DALO-POD), Center for Army Lessons Learned (CALL), and other ASCCs.
- (11) Ensure coordination of the joint or unified command on the use of contracted support services within the area of operations (AO), and the integration of Army acquisition activities with other Department of Defense (DOD) Services, as well as U.S. Government agencies.
- (12) Ensure the inclusion of wartime contract support service requirements in Planning, Programming and Budget System (PPBS) and other MACOM documents, as appropriate.
- (13) Provide recommendations to HQDA, as well as other ASCCs, on the incorporation of contract support services into force structure augmentation planning.
- (14) Provide the capability to capture contract support service activities in SITREPs and other summary documents required by HQDA.

- (15) Plan and provide crisis action guidance to other MACOMs/ASCCs on issuing chemical defense equipment to U.S. citizen contractor personnel. Plan and provide crisis action guidance to other MACOMs/ASCCs regarding other support to be provided to contractor personnel including religious, medical, welfare, transportation, training for the use of Chemical Defense Equipment (CDE), facilities and material, and weapons, as applicable. Provide guidance on different levels of support to U.S., Host Nation, and third Country contractor personnel, as required, in accordance with DA PAM 715-16.
- (16) Plan and, as required, form an acquisition board to control and integrate contract support. Plan and, as required, implement procedures for documenting contractor performance for award fee boards.
- (17) Ensure the accountability of all U.S. Army sponsored contractors in the Area of Operations using personnel accounting systems and procedures.

Chapter 2 Policies

2-1. General

- a. All U.S. Army-sponsored contractor employees in the Area of Operations shall be designated to a military unit to maintain administrative oversight and accountability. The Theater Support Command, the Logistics Support Element, or other official delegate, as appropriate, will manage contractor employees, and ensure a contracting officer's representative with direct communications to the contracting officer exists. The unit is also responsible for providing (or coordinating with other units to provide) government furnished material as required by the contract (e.g., facilities, messing, billeting, quality of life issues, transportation, mortuary affairs, and force protection for U.S. contractor personnel).
- b. Contracted battlefield support personnel may have their right to free exercise of religion impinged depending on the location and nature of the conflict subject to constraints imposed on military and accompanying personnel necessary to accommodate religious sensibilities of the host nation in which deployed. Chaplains assigned to battlefield units will provide religious support to contracted support personnel at every echelon. Additionally, as Executive Agent for mortuary affairs, the Army will personally, or effect the notification of next of kin for U.S. citizens OCONUS contracted to accompany the force.
- c. Any contracting officer deployed forward shall continue to operate under their existing warrant until such time that the warrant is revoked or voided by the appropriate authority. Contracting Officers shall provide a copy of their existing warrant to the Principle Assistant for Contracting (PARC) within 45 days upon entering the theater of operations.
- d. As required by the ASCC, all U.S. citizen contractor personnel preparation for overseas movement (POM) requirements to the area of operations from CONUS or OCONUS will be addressed in the respective OPORD. Contractors will be required to meet preparation for overseas movement criteria as outlined in applicable checklists contained within DA PAM 715-16, FM 63-11, and CONUS Replacement Center (CRC) Handbook and as specified in the Deployment Orders.
- e. As required by the ASCC, all contractor employees will obey general orders and force protection rules.

2-2. Operational Plans

- a. MACOMS must review all deliberate and crisis action plans, operational orders, and program requirements to formulate a global strategy for acquiring certain commercial battlefield support service capabilities during operations-other-than-war and wartime. The resulting strategy and support service personnel resources should then be incorporated into all deliberate and crisis action plans, operational orders, and program requirements.
- b. Actions undertaken to formulate the operational strategy should include, but are not limited to:
 - (1) Identifying current and anticipated voids in operational force structure that can be fulfilled through the acquisition of commercial support services, as well as identifying forces necessary to administer, manage, control, direct and integrate commercial support services with appropriate support plan/concept.
 - (2) Investigating and implementing the concept of dormant contracts for functions which are strictly required during wartime operations.
 - (3) Reviewing functions, which are appropriate for contracting during operations-other-than-war, as well as during wartime to determine if the support services are reasonably available as contractor logistic support or as third-party support services.
- c. All deliberate and crisis action plans and operational orders should address the property, equipment, information, and services to be furnished to support the contractor by the Government incorporate accountability and maintainability procedures.
- d. All deliberate and crisis action plans and operational orders shall address the geographic areas, and length of deployment for contract support services.
- e. All deliberate and crisis action plans, operational orders shall contain requirements for the communication, reporting, liaison, force protection, and management needed to monitor battlefield support services. Specifically addressed should be the requirement for the status, function and duty assignment of support personnel. This accountability of contractor support personnel in theater is to reside with the ASCC. All contractor support personnel are required to follow reporting procedures for entering and exiting the area of operations. The reporting instructions will be provided in the appropriate OPORD or other similar document.
- f. All deliberate and crisis action plans and operational orders should give recognition to the fact that the Army's acquisition of commercial battlefield support services will necessitate the commensurate application of Army resources devoted to conducting oversight and/or receipt of these support services.
- g. All deliberate and crisis action plans and operational orders must accommodate the continuation of services in the event of a contractor's performance failure.

2-3. Force Structure

- a. Contractor-provided support is designed to augment military force structure: it does not replace military force structure. Contractor-provided support will be used on an "as needed" basis (e.g., when military, DOD civilian, host nation or multinational support capabilities are not readily available).
- b. Current or anticipated force structure voids shall be the key determinant in selecting operational functions subject to augmentation by contract support personnel.

2-4. Contract Security Classifications

- a. Security and classification requirements will be in accordance with AR 380-5, AR 380- 49, AR 380-19, AR 380-67, DOD 5220.22-M, and DOD 5220.22-R.
- b. Advertising, awarding, and administering classified contracts has the added requirement for operations security management. Therefore, the classification level of data released in conjunction with contract solicitation, award, and execution will be strictly controlled.
- c. The particulars of the plan being supported, the geographic area where the support service is or will be provided, and other associated factors will dictate the security classification of any support service contract. Even though the need for the extension of security management to the contractor will result in an additional cost, the contractual vehicles shall be assigned the highest security classification envisioned for the support being acquired.

Chapter 3 Procedures

3-1. General Support Service Contract Considerations

- a. The Contracting Officer is the only official authorized to modify a contract.
- b. Numerous avenues can be pursued to achieve the Army's goal of increasing its combat potential. One involves capitalizing upon the marketplace resources in both CONUS and OCONUS locations.
- c. Acquiring support services on the battlefield must recognize the legal relationships between the Army and the commercial firm(s) providing the services, and the commercial firm(s) and its employee(s) and/or subcontractor(s). Given such, contracted battlefield support services will be acquired under the authority of the federal acquisition regulations.
- d. To ensure the support contract services are provided at the desired levels of quality and timeliness, special emphasis should be placed upon the choice of contract type, the contract selection process, and the performance of proactive contract administration. However, of most importance is the establishment of clear and concise contract requirements in either a Statement of Work (SOW) or Statement of Objectives (SOO). The former document would be used in situations where the Army wants to describe the activities required of the contractor, while the later document describes the Army's objective(s) to be fulfilled by the contractor.
- e. ASCCs must determine what their current and future voids in force structure are/will be for their specific theater, strategic, operational or tactical environments.
- f. Security considerations will normally require that contracts for support services be awarded to U.S. firms. However, prime contractors may use local and third country subcontractors (in accordance with host nation restrictions) as well as organic assets.

- g. Legal status of contractors and contractor employees. In an area of operations where an international agreement authorizes the presence of US forces (stationing agreement) or regulates their status (SOFA), the status of contractors and their employees, under local law, must also be established by international agreement. Contract provisions or military regulations denoting the contractor as "part of the force" will not suffice to establish such status. When relevant agreements do not address the issue of status for contractors and their employees, the contractor may be unable to perform. If able to perform, the costs may be prohibitive. In the absence of a controlling agreement, a corporate contractor may be unable to gain entry into the foreign country or, if allowed to enter, may be treated, under local law, as a foreign corporation and subjected to local regulation, taxation and customs restrictions. Similarly, in the absence of agreement, the contractor's employees may be unable to enter the foreign country or, if allowed to enter, may be subjected to restrictions imposed on foreign labor. Additionally, unless otherwise provided by international agreement, neither the contractor, nor its employees, will enjoy any immunity from local civil or criminal jurisdiction and will be ineligible to receive customs or tax-free logistic support from the US forces.
- h. Using ordering contracts and agreements that cover multiple functional areas can reduce procurement lead-times. Additionally, ordering contracts and agreements allow for administering each order by other than a warranted contracting officer.
- i. Each contract will specify what support, property, and training the Army will furnish to the contractor prior to execution. It is the Army's desire to minimize military support to contractors. The level of Army support contractor employees depends upon the particular situation and location the contractor is tasked to support. In some situations, the Army may decide to use other contractors or host nation resources to support contractors.
- j. The contract must specifically address the issue of responsibility for storage, maintenance, accountability, and testing of all property, equipment, information, and services furnished by the Government.
- k. For purposes of accountability and tracking, during operations-other-than-war, property, equipment, information, and services furnished to the contractor(s) by the Government shall be reported to the applicable MACOM(s).
- l. It is possible that a dormant contract, or contract provisions for contending with wartime operations planned for introduction into peacetime contracts, could have such political effect as to require reporting in accordance with AR 550-51. These dormant contracts and provisions shall be reviewed by command legal advisers to determine whether reporting is required.
- m. A rigid contract surveillance program is necessary to ensure that the associated contractors maintain the required readiness posture. This surveillance program should provide for periodic inspections of equipment and performance tests of some or all of the covered services.

3-2. Specific Support Service Contract Considerations

- a. Contract development and award activities may be accomplished using organic resources, functional MACOMs (i.e., MTMC, AMC, and so forth), other services as coordinated by supported unified command, and ASCCs.
- b. During the contract award process, MACOMs should consider the following to ensure the required services are received during operations-other-than-war and wartime operations:

- (1) Offerors should have a clear understanding of the Government's requirement(s).
 - (2) The property, material, equipment, information and services, which the Government intends to provide under the resultant contract should be clearly identified to each Offeror.
 - (3) Offerors must submit a plan for assuring their capability to perform in war-time operations. This includes, if appropriate, the identification of contractor emergency-essential positions and necessary agreements obtained from the employees to remain on the job during wartime operations.
 - (4) Offerors should be informed of the insurance available under the Defense Base Act and Longshoreman's and Harbor Workers Compensation Act administered by the Department of Labor.
- c. Commercial firm(s) providing battlefield support services will supervise and manage functions of their employees, as well as maintain on-site liaison with functional U.S. organizations.
 - d. Commercial contract personnel may be employed in Areas of Operations (AO), as required, to provide support services to Army operations and/or weapon systems. Most often, these personnel will be assigned duties at Echelons-Above-Division (EAD). Should the senior military commander determine that their services are required at lower echelons, they may perform their support services as far forward as needed, on a temporary basis, consistent with the terms of the contract and the tactical situation.
 - e. Similar to the military chain-of-command, command and control of commercial support service personnel will be defined by the terms and conditions of the contract. The cognizant contracting officer or his/her designated representative(s) will monitor contractor performance and maintain day-to-day liaison activities. Their primary focus shall be on requesting and/or receiving the support services dictated by the needs of the combatant commander's plan. The cognizant contracting officer is the only government official with the authority to increase, decrease or materially alter a contract's scope of work.
 - f. The commercial firm(s) providing the battlefield support services will perform the necessary supervisory and management functions of their employees. Contractor employees are not under the direct supervision of military personnel in the chain-of command. The contracting officer (KO), or their designated liaison (contracting officer's representative (COR), is responsible for monitoring and implementing contractor performance requirements; however, contractor employees will be expected to adhere to all guidance and obey all instructions and general orders issued by the Theater Commander. In the event instructions or orders of the Theater Commander are violated, the Theater Commander may limit access to facilities and/or revoke any special status a contractor employee has as an individual accompanying the force to include directing the Contracting Officer to demand that the contractor replace the individual.
 - g. The commercial firms providing battlefield support services will provide on-site liaison with functional U.S. organizations through communication systems compatible with those belonging to these same organizations.
 - h. Contractors are required to comply with safety, environmental and transportation requirements as outlined in the applicable contractual documents.

3-3. Support Service Contract Limitations

- a. Contracted support service personnel will not command, supervise, administer, or control Army or Department of the Army Civilian (DAC) personnel.
- b. Contracted support service personnel shall not be supervised or directed by military or Department of the Army (DA) civilian personnel. Instead, as prescribed by the applicable federal acquisition regulations, or as required by force protection to insure the health and welfare, the Contracting Officer's Representative shall communicate the Army's requirements and prioritize the contractor's activities within the terms and conditions of the contract.
- c. Dormant contracts, and clauses or provisions which invoke the provision of support services during wartime operations, will be used only for support functions that are emergency-essential.
- d. In the context of the law of war, contracted support service personnel are civilians accompanying the force. They may be used to perform only selected combat support and combat service support activities. They may not be used in or undertake any role that could jeopardize their status as civilians accompanying the force.
- e. Contractors accompanying the force are not authorized to wear military uniforms, except for specific items required for safety or security, such as: chemical defense equipment, cold weather equipment, or mission specific safety equipment.

3-4. Procedures for Regions Without Host Nation Support Agreements

- a. ASCCs are responsible for executing a plan or designating an executive agent responsible for the following:
 - (1) Coordinating, through command channels, a plan for using contracted battlefield support services.
 - (2) Preparing an acquisition plan, to include developing a clear and accurate statement of tasking or objectives with enough detail to enable a successful acquisition process, compliant to the prescriptions of the applicable federal acquisition regulations and supplements.
 - (3) Soliciting, negotiating, and awarding contracts in accordance with applicable federal acquisition regulations.
- b. Generally, contracts should be based upon the identification of a need and the development of a plan for providing battlefield support services. The contracts may be dormant contracts initiated during wartime operations, or clauses in peacetime contracts that are invoked during wartime operations.

3-5. Procedures for Regions With Host Nation Support

- a. Contracting with U.S. firms for support in regions with HNS must be coordinated and executed as required by the U.S. governing contracting procedures.
- b. Where formal mutual support or HNS agreements exist, execution of contracts with host nation firms must give consideration to such agreements. Specifically, the terms of these agreements must be reviewed.
- c. Determine the procedures to be followed to contract with host nation commercial entities to include legal and SOFA requirements.

Appendix A

Section I

Required Publications

AR 380-5

Department of the Army Information Security Program. (Cited in para 2-4a.)

AR 380-19

Information Systems Security. (Cited in para 2-4a.)

AR 380-49

Army Industrial Security Program. (Cited in para 2-4a.)

AR 380-67

The Department of the Army Personnel security Program. (Cited in para 2-4a.)

AR 550-51

Authority and Responsibility for Negotiating, Concluding, Forwarding, and Depositing of International Agreements. (Cited in para 3-1.)

DA PAM 715-16

Contractor Deployment Guide. (Cited in para 1-1, 1-5n(15), and 2-1d.)

DOD 5220.22-M

National Industrial Security Program Operating Manual. (Cited in para 2-4a.)

DOD 5220.22-R

Industrial Security Regulation. (Cited in para 2-4a.)

DODI 3020.37

Continuity of Essential DOD Contractor Services During Crisis. (Cited in para 1-5.)

FM 63-11

Logistics Support Element (LSE) Tactics, Techniques, and Procedures (TTP). (Cited in para 2-1d.)

CONUS Replacement Center (CRC) Handbook, 1 Jun 94. (Cited in para 2-1d.)

Section II

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 40-562

Immunizations and Chemoprophylaxis

AR 71-11

Total Army Analysis

AR 570-9

Host Nation Support

AR 530-1

Operations Security

AR 638-2

Care and Disposition of Remains and Disposition of Personal Effects

DA PAM 690-80

Use and Administration of Local Civilians in Foreign Areas During Hostilities.

AR 700-137

Logistics Civil Augmentation Program (LOGCAP)

DODI 1000.1

Identity Cards Required by the Geneva Convention

Army Federal Acquisition Regulation Supplement (AFARS)

DOD Federal Acquisition Regulation Supplement (DFARS)

Federal Acquisition Regulation (FAR)

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

This section contains no entries.

Glossary

Section I Abbreviations

ACSIM

Assistant Chief of Staff for Installation Management

AFPDA

Army Force Planning Data and Assumptions

AMC

U.S. Army Materiel Command

AO

Area of Operations

ARNG

Army National Guard

ASA(RDA)

Assistant Secretary of the Army (Research, Development, and Acquisition)

ASCC

Army Service Component Command

CINC

Commander-in-Chief

COE

Chief of Engineers

CONPLAN

Concept Plan

CONUS

Continental United States

DA

Department of the Army

DCSLOG

Deputy Chief of Staff for Logistics

DCSOPS

Deputy Chief of Staff for Operations and Plans

DCSPER

Deputy Chief of Staff for Personnel

DG

Defense Guidance

FORSCOM

U.S. Army Forces Command

FUNCPLANS

Functional Plans

HQDA

Headquarters, Department of the Army

HNS

Host Nation Support

MACOM

Major Army Command

MTMC

Military Traffic Management Command

OCONUS

Outside the continental U.S.

OJCS

Office of the Joint Chiefs of Staff

OPRED

Operational Readiness

OPLAN

Operations Plan

OPORD

Operational Orders

OSD

Office of the Secretary of Defense

POC

Point of Contact

POM

Program Objective Memorandum

PPBES

Planning, Programming, Budgeting and Execution System

SITREPS

Situation Reports

SOW

Statement of Work

SOO

Statement of Objectives

SRC

Standard Requirements Code

TO

Theater of Operations

TAA

Total Army Analysis

TAP

The Army Plan

TRADOC

U.S. Army Training and Doctrine Command

TSG

The Surgeon General

USAR

U.S. Army Reserve

USARPAC

U.S. Army Pacific Command

USARSOC

U.S. Army Special Operations Command

Section II**Terms****COMPO 4**

Unmanned and Unequipped Unit Requirements code used in Total Army Analysis.

COMPO 9

Logistics Civil Augmentation (LOGCAP). Further, while it is used in Total Army Analysis, it is also used in POM development and other resourcing actions not unique to the TAA process.

Basic Ordering Agreement

A written instrument of understanding, negotiated between an agency, contracting activity, or a contracting office and a contractor that contains terms and clauses applying to future contracts (orders) between the parties during its term, a description of supplies, or services to be provided, and methods for pricing, issuing, and delivering future orders.

Civilians Accompanying the Armed Forces

Civilians accompanying the Armed Forces in the theater of operations as authorized members of the force.

Delivery Order Contract

A contract for supplies that does not procure or specify a firm quantity of supplies (other than a minimum or maximum quantity) and that provides for the issuance of orders for the delivery of supplies during the period of the contract.

Dormant Contract

Contractual agreement whereby the supplier's total performance is withheld pending a particular action or event taking place.

Emergency-Essential Support

Support and services which, if not immediately available, would impair the performance of the Army's mobilization and wartime operations mission. These are considered emergency-essential because the Army can not obtain them with current military, Department of the Army civilian, or assured HNS resources.

Host Nation Support

Civil and military assistance rendered in peace and operations other than war by a host nation to allied forces which are located on or in transition through the host nation's territory. The basis for such commitments are bilateral or multilateral agreements concluded between the host nation and the nation(s) having forces operating on the host nations' territory.

Inherent Government Function

- a. In times of crisis, the DOD has a responsibility to ensure the integrity of military operations (the coherence of action) particularly with regard to the use of deadly force and conduct under fire. This responsibility is non-transferable and must be safeguarded through a strict command structure and extensive military training of the troops expected to enter into, or sustain, combat operations. Functions inherent to, or necessary for the sustainment of combat operations, that are performed under combat conditions or in otherwise uncontrolled situations, and that require direct control by the military command structure and military training for their proper execution, are considered inherently governmental. This includes functions performed exclusively by military (active and reserve) who are trained for combat and the use of deadly force, where performance by a contractor or civilian would violate their non-combatant status under the Geneva Conventions or represent an inappropriate risk to military operations. (See section 6.e.(1) of Office of Management and Budget Circular No. A-76 (Revised), "Performance of Commercial Activities"). A key criterion for identifying inherently governmental military functions is whether the proper execution of the function under combat conditions has to be ensured, or safeguarded, through strict military command and extensive military training.
- b. Functions that require knowledge and skills acquired primarily through military training and current military experience for the successful performance of the prescribed duties are considered inherently governmental. In all cases, such functions must require the kind of expertise that can only be derived from first-hand military experience—through the command of military forces or by participating in or conducting military operations, tactics, or systems operations. The required knowledge and skills must be more substantial than familiarity with military administrative procedures or similar capabilities reasonably attained by civilian employees or possessed by retired military personnel. This includes functions that (through example) reinforce the integrity of the military command structure, acculturate military standards and conventions, or that otherwise serve to safeguard government responsibilities with regard to the appropriate use of deadly force and proper military conduct during war.

Ordering Contracts and Agreement

a. Task Order Contract-A.

A contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of orders for the performance of tasks during the period of the contract.

b. Delivery Order contract-A.

A contract for supplies that does not procure or specify a firm quantity of supplies (other than a minimum or maximum quantity) and that provides for the issuance or orders for the delivery of supplies during the period of the contract.

c. Basic Ordering Agreement-A.

A written instrument of understanding, negotiated between an agency, contracting activity, contracting office, and a contractor that contains terms and clauses applying to future contracts (orders) between the parties during its term, a description of supplies or services to be provided, and methods for pricing, issuing, and delivering future orders.

Operations-Other-Than-War

For the purposes of this regulation, the term "operations-other-than-war" will connote conditions ranging from humanitarian and peacekeeping operations, through heightened international tensions or states of military readiness and periods of armed conflict.

Task Order Contract

A contract for services that does not procure or specify a firm quantity of services (other than a minimum or maximum quantity) and that provides for the issuance of orders for the performance of tasks during the period of contract.

Section III**Special Abbreviations and Terms**

This section contains no entries.